REMARKS

This application has been reviewed in light of the Office Action dated November 9, 2004. Claims 1-3, 5-12 and 16-18 are presented for examination, of which Claims 1, 10 and 18 are in independent form. Claims 1, 10 and 18 have been amended to define Applicant's invention more clearly. Favorable reconsideration is requested.

In the outstanding Office Action, Claims 1-3, 5-12, 16 and 18 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patents 5,608,786 (Gordon) and 5,335,276 (Thompson et al.), taken in combination, and Claim 17, as being obvious from those two patents in view of U.S. Patent 5,521,719 (Yamada).

Independent Claim 1 is directed to a communication apparatus connected to a communication network, and the apparatus comprises designating means for designating a destination apparatus, means for inputting transmission information to be transmitted to the designated destination apparatus without using the communication network, facsimile communication means for transmitting the inputted transmission information to a destination apparatus in accordance with facsimile communication specifications, and encryption means for encrypting the inputted transmission information without using the communication network, the transmission information being encrypted before being transmitted through the communication network to maintain confidentiality of the transmission information. Also provided in the apparatus are electronic-mail communication means for transmitting the inputted transmission

information or encrypted by the encryption means to a destination apparatus in accordance with electronic-mail specifications, and communication designating means for causing transmission of the transmission information by selecting either the facsimile communication means or the electronic-mail communication means. Also provided are designating means, comprising a confidential button, for designating whether the transmission information is confidential or not according to an operation of the confidential button, where the confidential button is used when confidentiality of the transmission information is to be maintained, regardless of whether the transmission information is to be sent as e-mail or as a facsimile transmission. In addition, there are provided control means for controlling the facsimile communication means, encryption means, and electronic-mail communication means such that, if the transmission information has been designated as being confidential, then the facsimile communication means transmit the inputted transmission information to the destination apparatus by facsimile transmission using a private security function which enables the inputted transmission information to be outputted by the destination apparatus when a correct secret number or the like is entered, through the communication network without the encryption of the inputted transmission information by the encryption means, when the facsimile communication means has been designated by the communication designating means, and the electronic-mail communication means sends the encrypted transmission information to the destination apparatus by electronic mail through the

communication network, when the electronic-mail communication means has been designated by the communication designating means.

Thus, it will be appreciated that among other important features of an apparatus according to Claim 1 are the recited security designating means for designating whether the transmission information is confidential or not according to an operation of a single confidential button, the confidential button being used when the confidentiality of the transmission information is to be maintained, regardless of whether the transmission information is transmitted by facsimile transmission or e-mail transmission.

If the inputted transmission information is designated to be confidential by the security designating means according to the operation of this confidential button, the inputted transmission information for the e-mail transmission is encrypted by the encryption means, and the transmission information for the facsimile transmission is transmitted to the destination apparatus by facsimile transmission, using a private security function without encryption of the inputted transmission information.

By virtue of these features the apparatus of Claim 1, it is possible to ensure the security of the transmission information by encryption, for e-mail transmission, and by means of the private security function, for facsimile transmission, in a case in which the inputted

transmission information has been designated as being confidential according to the operation of the confidential button.

The confidential button is a significant advantage to the user, since operation of a single means (the button) assures confidentiality, no matter whether the user is using e-mail or facsimile transmission. In particular, users do not have to identify, find and actuate different controls for confidentiality depending on which mode of communication is being utilized. Conventionally, in contrast, a user must distinguish between different security functions provided for facsimile transmission and for e-mail transmission, and must select the correct control and operate it according to the selected transmission type (i.e., facsimile transmission or e-mail transmission). Thus, according to the apparatus of Claim 1, operability in the transmission of the confidential information will be remarkably improved.

Gordon relates to an apparatus in which the transmission information is encrypted in the UniPost Access Node. There is, however, no disclosure in *Gordon* of designating whether the transmission information is confidential or not according to an operation of a single confidential button for transmission both by facsimile and by e-mail.

Even if *Gordon* is deemed to disclose facsimile transmission with private security function and e-mail transmission with encryption, these two modes of transmission and their

security functions, are entirely independent of each other as far as concerns operability of confidentiality. *Gordon* does not disclose, or even hint at, the idea of providing a single key for designating whether the transmission information is confidential or not, regardless of which of two transmission protocols is to be used. Accordingly, it is believed to be plain that Claim 1 is allowable over *Gordon* taken alone.

Thompson relates to a communication system and method for enhanced information transfer, in which a console (visual display 60 or 160) is used when confidentiality of the transmission information is to be maintained. According to the description in the specification of *Thompson*, the console is used for authentication of the user of the communication device 50 or 150. Nothing has been found, or pointed out, in *Thompson* that would teach, or even hint at, using a single button to designate confidentiality, regardless of which of two protocols is being used, as in the apparatus of Claim 1.

Accordingly, and even if these two patents are combined in the manner proposed in the Office Action (and even assuming such combination would be permissible), the result would not have the single confidential button recited in Claim 1, and that claim is therefore believed to be clearly allowable over *Gordon* and *Thompson*, taken separately or in any possible combination.

Each of the other independent claims is either a method or a claim corresponding to apparatus Claim 1, and is deemed allowable over that prior art for at least the reasons presented above with regard to Claim 1.

A review of the other art of record has failed to reveal anything that, in Applicant's judgment, would supply what is missing form the art discussed above, as references against the independent claims herein. Accordingly, those claims are believed to be allowable over the art of record.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain

outstanding, it is respectfully requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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